

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*May 2004*

**Members:**

*Sen. Bruce S. Bryant, Chair  
Sen. Richard Kneeland  
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair  
Rep. Jacqueline A. Lundeen  
Rep. Raymond G. Pineau*

*Rep. John F. Piotti*

*Rep. Nancy E. Smith  
Rep. Roderick W. Carr*

*Rep. Ken Honey  
Rep. Eugene L. Churchill  
Rep. Kenneth C. Fletcher*

*Rep. John Eder*

**Staff:**

*Jill Ippoliti, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special Session*

*Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE .....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY .....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT .....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY .....	Ruled out of order by the presiding officers; bill died
INDEF PP .....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND .....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED .....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1693**

**An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting**

**PUBLIC 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-385 S-393 BRYANT

LD 1693 proposed requiring persons cutting or harvesting trees near a property boundary line to clearly mark the line. It also proposed prohibiting the harvesting of trees growing on a property boundary line without prior approval from owners of the abutting property.

**Committee Amendment "A" (S-385)** proposed changes to the definition of "line tree" and specifying civil penalties for failure to mark property lines prior to harvest and harvesting a line tree without the abutting landowner's permission.

**Senate Amendment "A" to Committee Amendment "A" (S-393)** proposed an exemption for timber harvesting performed on a parcel of land that is 5 acres or less.

***Enacted Law Summary***

Public Law 2003, chapter 550 requires a landowner authorizing the person conducting a harvest near a property boundary line to clearly mark any established property boundary line within 200 feet of the area to be harvested. It prohibits the harvesting of trees growing on a property boundary line unless prior approval is obtained from owners of the abutting property. Exemptions are provided for tree cutting performed by the Department of Transportation, public utilities or municipal employees or agents and for harvests on a parcel of land that is 5 acres or less.

**LD 1719**

**Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve**

**RESOLVE 129**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-455

LD 1719 proposed conveying a conservation easement on land owned by the State and located on Peaks Island in Cumberland County to the Peaks Island Land Preserve. The Resolve incorrectly identified the Bureau of Parks and Lands within the Department of Conservation as the agency with authority to convey an easement on the property, which is classified as a wildlife management area.

**Committee Amendment "A" (S-455)** proposed replacing the original Resolve to authorize the Commissioner of Inland Fisheries and Wildlife to transfer fee ownership of land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**Enacted Law Summary**

Resolve 2003, chapter 129 authorizes the Commissioner of Inland Fisheries and Wildlife to transfer land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve. It requires that the deed conveying the property contain provisions ensuring appropriate conservation of the property.

**LD 1742                      An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses                      PUBLIC 536**

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-680
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LD 1742 proposed amending the Animal Welfare Act to clarify training requirements for humane agents and remove the use of the term "pack or collection" for kennel licensing purposes. It also proposed amending provisions for the Internet licensing project established during the First Session of the Legislature. Public Law 2003, Chapter 405 provides for a municipality to receive \$3 for each dog license issued by the Department of Agriculture, Food and Rural Resources via the Internet. LD 1742 proposed that a municipality be entitled to only \$1 for dogs capable of producing young and licensed over the Internet, the same as the municipality receives when the municipal clerk issues a license for a dog capable of producing young.

**Committee Amendment "A" (H-680)** proposed removing the section of the bill that would reduce the fee a municipality receives for a dog capable of producing young and licensed under the Internet licensing project.

**Enacted Law Summary**

Public Law 2003, chapter 536 clarifies that all humane agents are required to complete training in the handling of small and large animals and a minimum of 40 hours of training annually. It removes the use of the term "pack or collection" in the definition of "kennel" and under the kennel licensing provisions. Instead the term "5 or more dogs" is used. Kennel licensing provisions apply to a person who keeps 5 or more dogs for breeding, hunting, show, training, field trials or exhibition purposes.

**LD 1782                      An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands                      PUBLIC 549**

<u>Sponsor(s)</u> JACKSON STANLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-714
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LD 1782 proposed prohibiting the Department of Conservation, Bureau of Parks and Lands from entering into a contract with an individual who is not a United States resident for the cutting, skidding or hauling of timber on or from public reserved lands or nonreserved public lands. It also proposed requiring a contract for harvesting or